

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:17-CR-00219-H

UNITED STATES OF AMERICA :
 :
 v. :
 :
 JUSTIN TYME HAWLEY :

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a plea of guilty by the defendant, Justin Tyme Hawley, on November 6, 2017, to violations of 21 U.S.C. § 841(a)(1) and 18 U.S.C. §§ 922(g)(1) and 924, and further evidence of record and as presented by the Government, the Court finds that the following personal property is hereby forfeitable pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d)(1), to wit:

- (1) Springfield Armory, Model XDM-40, .40 caliber handgun, serial number MG207671, and ammunition;
- (2) Diamondback Arms, Model DB9, 9mm handgun with serial number YH4864;
- (3) Taurus, Model PT92AFS, 9mm handgun with serial number TCR71287;
- (4) Sig Sauer, Model P250, .40 caliber handgun with serial number EAK 194170;
- (5) \$3,480 in United States currency; and

WHEREAS, by virtue of said finding, the United States is now entitled to possession of said property pursuant to 21 U.S.C. § 853 and Fed. R. Crim. P. 32.2(b)(3);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Guilty Plea by the defendant, Justin Tyme Hawley, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property

must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853 and 28 U.S.C. § 2461(c), as required by Fed. R. Crim. P. 32.2(c)(2).

SO ORDERED. This 18th day of December 2017.

A handwritten signature in black ink, appearing to read "Malcolm J. Howard", is written over a horizontal line.

MALCOLM J. HOWARD

Senior United States District Judge